

**STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER**

In the Matter of

MARLON V. CANDA,

Licensee.

Order No. 15-0001

WAOIC No. 201750

NPN 7522723

CONSENT ORDER LEVYING
A FINE

This Consent Order is entered into by the Insurance Commissioner of the state of Washington, acting pursuant to the authority set forth in RCW 48.17.530 and RCW 48.17.560, and Marlon V. Canda, a licensed insurance producer.

BASIS:

1. Marlon V. Canda ("Mr. Canda" or the "Licensee") is a resident insurance producer licensed to do business in the state of Washington. He has been licensed in Washington since December 6, 2002, WAOIC #201750.
2. Anthony C. Gaynes ("Mr. Gaynes"), a licensed producer, WAOIC # 752146, was not appointed by Guggenheim Life and Annuity Company ("Guggenheim Life") in May 2013, when he presented and provided a Washington consumer with Guggenheim Life annuity marketing materials, completed suitability forms, annuity applications, and necessary paperwork to rollover money from the consumer's accounts into three Guggenheim Life annuity contracts.
3. Mr. Canda, who was appointed with Guggenheim Life, signed the Guggenheim Life annuity forms as the agent of record because Mr. Gaynes was not appointed with Guggenheim Life, and therefore, Mr. Gaynes could not sell or submit these annuity contracts.
4. Mr. Canda, who held an appointment with Guggenheim Life, admitted in a written statement that he signed the three annuity contracts without ever meeting with the Washington consumer.

5. By intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance, Mr. Canda violated RCW 48.17.530(1)(e).

6. By using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility, Mr. Canda violated RCW 48.17.530(1)(h). The Commissioner may revoke the license of any person violating RCW 48.17.530(1)(h).

7. By knowingly making a false or misleading statement or impersonation, or willfully failing to reveal a material fact, in or relative to, an application for insurance to an insurer, Mr. Canda violated RCW 48.30.210. The Commissioner may revoke the license of any person violating RCW 48.30.210.

8. RCW 48.17.560 states that after a hearing or upon stipulation by the licensee, and in addition to or in lieu of suspension, revocation, or refusal to renew any such license, the Commissioner may levy upon the licensee or insurance education provider a fine of not more than \$1,000 per violation of the insurance code.

CONSENT TO ORDER:

The Insurance Commissioner of the state of Washington and the Licensee agree that the best interest of the public will be served by entering into this Consent Order.

NOW, THEREFORE, the Licensee consents to the following in consideration of his desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle this matter in consideration of the Licensee's payment of a fine, and upon such terms and conditions as are set forth below:

1. Mr. Canda acknowledges his duty to comply fully with the applicable laws of the state of Washington.

2. Mr. Canda consents to the entry of this Consent Order, waives any and all hearing rights, and further administrative or judicial challenges to this Consent Order.

3. By agreement of the parties, the Insurance Commissioner will impose a fine of \$500.00 (Five Hundred Dollars) to be paid by Mr. Canda within thirty days of the entry of this Consent Order.

4. Mr. Canda understands and agrees that any future failure to comply with the statutes that are the subject of this Consent Order constitutes grounds for further penalties, which may be imposed in response to further violations.

5. Mr. Canda's failure to pay this fine within 30 days of the execution of this Consent Order shall constitute grounds for revocation of his insurance producer license and shall result in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

6. This Consent Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Licensee. However, the facts of this Consent Order, and any provision, finding or conclusion contained herein does not, and is not intended to, determine any factual or legal issues or have any preclusive or collateral estoppel effects in any lawsuit by any party other than the Insurance Commissioner.

EXECUTED this 10th day of FEBRUARY, 2015.

Signature: MARLON V. CANDA
Printed Name: MARLON CANDA

AGREED ORDER

Pursuant to the foregoing factual basis and Consent to Order, the Insurance Commissioner of the state of Washington hereby Orders as follows:

1. Mr. Canda shall pay a fine in the amount of \$500.00 (Five Hundred Dollars) within thirty days of the date of the entry of this Consent Order.
2. Mr. Canda's failure to pay the fine within thirty days of the execution of this Consent Order shall result in the revocation of his insurance producer's license and in the recovery

of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.

3. This Consent Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Licensee. However, the fact of this Consent Order, and any provision, finding or conclusion contained herein does not, and is not intended to, determine any factual or legal issues or have any preclusive or collateral estoppel effects in any lawsuit by any party other than the Insurance Commissioner.

Executed this 25th day of February 2015.



MIKE KREIDLER
Insurance Commissioner

By and through his designee



MANDY WEEKS
Insurance Enforcement Specialist
Legal Affairs Division